

ORDINANCE No. 117598

MO

*Law Department*

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend

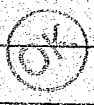
*Do pass as amended by a vote of 4/11/95*

*Full Council vote 9-0*

*Sherry D Harris*

Committee Chair

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <i>2-13-95</i>	By: <i>Harris</i>
Referred: <i>2-13-95</i>	To: <i>HCDUS</i>
Referred:	To:
Referred:	To:
Reported: <i>APR 17 1995</i>	Second Reading: <i>APR 17 1995</i>
Third Reading: <i>APR 17 1995</i>	Signed: <i>APR 17 1995</i>
Presented to Mayor: <i>APR 17 1995</i>	Approved: <i>APR 25 1995</i>
Returned to City Clerk: <i>APR 25 1995</i>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: 

MB

*Leg Department*

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_

report that we have considered the same and respectfully recommend that the same:

*SD 955 is amended by a vote of 3-0 (SH, JS, JD)  
on 4/11/95*

*Full Council vote 9-0*

*Sherry Dhanis*

Committee Chair

1/7/1995

7/1995

1995



DA  
4/11/95

ORDINANCE 117598

AN ORDINANCE relating to land use and zoning, amending Sections 23.76.004, 23.76.006, 23.76.026, 23.76.032 and 23.84.025, and creating new Sections 23.47.007 and 23.50.015 in order to create a new phasing process for very large projects called Major Phased Developments

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** A new Section 23.47.007 is hereby added to Chapter 23.47 of the Seattle Municipal Code as follows:

**23.47.007 Major Phased Developments**

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. A minimum site size of five (5) acres, where the site is composed of contiguous parcels or contains a right-of-way within;

2. The project, which at time of application shall be a single, functionally-interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet.

3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.

4. At the time of application, the project supports the land use policies for the zone in which it is proposed.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail which is sufficient to reasonably assess anticipated impacts, including those associated with a maximum buildout, within the timeframe requested for Master Use Permit extension.

2. A major phased development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit.

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than fifteen (15) years from the date of issuance.

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C. Changes to the approved Major Phased Development.

When an amendment to an approved project is requested, the Director shall determine whether or not the amendment is minor.

1. A minor amendment meets the following criteria:

a. Substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the Major Phased Development component with no substantial change in the mix of uses and no major departure from the bulk and scale of structures originally proposed; and

b. Compliance with the requirements of the zone in effect at the time of the original Master Use Permit approval; and

c. No significantly greater impact would occur.

2. If the amendment is determined by the Director to be minor, the site plan may be revised and approved as a Type I Master Use Permit. The Master Use Permit expiration date of the original approval shall be retained, and shall not be extended through a minor revision.

3. If the Director determines that the amendment is not minor, the applicant may either continue under the existing MPD approval or may submit a revised MPD application. The revised application shall be a Type II decision. Only the portion of the site affected by the revision shall be subject to regulations in effect on the date of the revised MPD application. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

**Section 2.** A new Section 23.50.015 is hereby added to Chapter 23.50 of the Seattle Municipal Code as follows:

**23.50.015 Major Phased Development**

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. A minimum site size of five (5) acres, where the site is composed of contiguous parcels or contains a right-of-way within;

2. The project, which at time of application shall be a single, functionally-interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet; and

3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.

4. At the time of application, the project supports the land use policies for the zone in which it is proposed.

B. A Major Phased Development application shall contain be submitted, evaluated, and approved according to the following:

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1 1. The application shall contain a level of detail which is sufficient to  
2 reasonably assess anticipated impacts, including those associated with a maximum buildout,  
3 within the timeframe requested for Master Use Permit extension.

4 2. A major phased development component shall not be approved unless the  
5 Director concludes that anticipated environmental impacts, such as traffic, open space,  
6 shadows, construction impacts and air quality, are not significant or can be effectively  
7 monitored and conditions imposed to mitigate impacts over the extended life of the permit.

8 3. Expiration or renewal of a permit for the first phase of a Major Phased  
9 Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council  
10 Land Use Decisions. The Director shall determine the expiration date of a permit for  
11 subsequent phases of the Major Phased Development through the analysis provided for  
12 above; such expiration shall be no later than fifteen (15) years from the date of issuance.

13 C. Changes to the approved Major Phased Development.

14 When an amendment to an approved project is requested, the Director shall determine  
15 whether or not the amendment is minor.

16 1. A minor amendment meets the following criteria:

17 a. Substantial compliance with the approved site plan and conditions  
18 imposed in the existing Master Use Permit with the Major Phased Development component  
19 with no substantial change in the mix of uses and no major departure from the bulk and  
20 scale of structures originally proposed; and

21 b. Compliance with the requirements of the zone in effect at the time  
22 of the original Master Use Permit approval; and

23 c. No significantly greater impact would occur.

24 2. If the amendment is determined by the Director to be minor, the site plan  
25 may be revised and approved as a Type I Master Use Permit. The Master Use Permit  
26 expiration date of the original approval shall be retained, and shall not be extended through  
27 a minor revision.

28 3. If the Director determines that the amendment is not minor, the applicant  
29 may either continue under the existing MPD approval or may submit a revised MPD  
30 application. The revised application shall be a Type II decision. Only the portion of the site  
31 affected by the revision shall be subject to the regulations in effect on the date of the revised  
32 MPD application. The decision may retain or may extend the existing expiration date on  
33 the portion of the site affected by the revision.

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36 Section 3. Subsection 23.76.004A, Exhibit 23.76.004A titled "Land Use Decision  
37 Framework" as last amended by Ordinance 117263, is further amended as follows:

38 (See page 3A)  
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Exhibit 23.76.004A  
LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

- | TYPE I<br>(Nonappealable)   | TYPE II<br>(Appealable to Hearing Examiner*)   | TYPE III<br>(Appealable to Council)  |
|---|--|--|
| <ul style="list-style-type: none"><li>• Uses permitted outright</li><li>• Temporary uses, four weeks or less</li><li>• Certain street uses</li><li>• Lot boundary adjustments</li><li>• Greenbelt preserve designations</li><li>• Modifications of features bonused under Title 24</li><li>• Declarations of significance (EIS required)</li><li>• Temporary uses, twelve months or less, for relocation of police and fire protection</li><li>• Exemptions from right-of-way improvement requirements</li><li>• Special accommodation</li><li>• Reasonable accommodation</li><li>• <u>Minor amendment to a Major Phased Development Permit</u></li></ul> | <ul style="list-style-type: none"><li>• Temporary uses, more than four weeks</li><li>• Certain street uses</li><li>• Variances</li><li>• Administrative conditional uses</li><li>• Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)</li><li>• Short subdivisions</li><li>• Special exceptions</li><li>• Design Review</li><li>• Northgate General Development Plan</li><li>• The following environmental determinations:<ul style="list-style-type: none"><li>1. Declaration of nonsignificance (EIS not required)</li><li>2. Determination of final EIS adequacy</li></ul></li><li>• <u>Major Phased Development</u></li></ul> | <ul style="list-style-type: none"><li>• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.</li></ul> |

COUNCIL LAND USE DECISIONS

- | TYPE IV<br>(Quasi-Judicial)   | TYPE V<br>(Legislative)   |
|---|---|
| <ul style="list-style-type: none"><li>• Subdivisions (Preliminary Plats)</li><li>• Land use and zoning map amendments (Rezoning)</li><li>• Public project approvals</li><li>• Major institution master plans</li><li>• Council conditional uses</li><li>• Downtown planned community developments</li><li>• Planned Unit Developments</li></ul> | <ul style="list-style-type: none"><li>• Land Use and Zoning Code text amendments</li><li>• Rezones to implement new City policies</li><li>• Concept approval for City facilities</li><li>• Major institution designations</li></ul> |

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Section 4. Subsection C of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is further amended as follows:

**23.76.006 Master Use Permits required.**

C. The following are Type II decisions, which are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearing Board):

1. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, ((and)) except temporary relocation of police and fire stations for twelve (12) months or less;

2. Short subdivisions;

3. Variances, provided that variances sought as part of a Type IV decision may be granted by Council pursuant to Section 23.76.036;

4. Special exceptions, provided that special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

5. Design review;

6. The following street use decisions:

a. Sidewalk cafes,

b. Structural building overhangs,

c. Areaways;

7. Administrative conditional uses, provided administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

8. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

a. Shoreline substantial development permits,

b. Shoreline variances,

c. Shoreline conditional uses;

9. The following environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):

a. Declarations of Nonsignificance (DNSs), including mitigated DNSs,

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b. Determination that a final Environmental Impact Statement (EIS) is adequate;

10. Northgate General Development Plan((-));

11. Major Phased Developments.

Section 5. Subsection B of Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 115751, is further amended as follows:

**23.76.026 Vesting of development rights.**

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, as defined in Section 23.84.036 "S," shall be considered under the ((b))Land ((u))Use ((e))Code and other land use control ordinances in effect on the land when a fully complete((d)) Master Use Permit application for such approval which satisfied the requirements of Section 23.22.010 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

Section 6. Section 23.76.032 of the Seattle Municipal Code, as last amended by Ordinance 117203, is further amended as follows:

**23.76.032 Expiration and renewal of Master Use Permits.**

A. Expiration.

1. A Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of the shoreline component of a Master Use Permit shall be governed by WAC 173-14-060.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

i. Variances for access, yards, setbacks, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Election.

ii. Variances granted as separate Master Use ((p))Permits pursuant to Section 23.76.010 D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance is granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to

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1 establish a use where a building permit is not required, shall not be included in the eighteen  
2 (18) month term of the Master Use Permit.

3  
4 d. Master ~~((u))~~Use ~~((p))~~Permits entered in the competition for office  
5 space downtown established under Section 23.49.011 shall expire as follows:

6 i. Eighteen (18) months from the date that the project is  
7 chosen to receive an office space allocation; or

8 ii. If the project is not chosen to receive an office space  
9 allocation in the first year that it is entered in the competition, it shall expire either:

10 --On the date that the opportunity to enter the next  
11 competition has passed, and the project has not been entered; or

12 --If it is chosen in the next competition to receive an office  
13 space allocation, eighteen (18) months from the date that the project is chosen; or

14 --On the date that it is not chosen to receive an office  
15 allocation in the next competition; or

16 --Eighteen (18) months from the date that the permit is  
17 approved for issuance as described in Section 23.76.028, whichever is greater.

18 iii. Master ~~((u))~~Use ~~((p))~~Permits entered in the competition  
19 for office space downtown may be renewed pursuant to subsection B.

20 e. Expiration of use approval to legalize previously unauthorized  
21 accessory dwelling units when final inspection approval for modifications required for  
22 Building or Housing Code compliance is not obtained within two (2) years from the date of  
23 application for the Master Use Permit is governed by Section 23.44.025B.

24 f. Master Use Permits with a Major Phased Development component  
25 established under Sections 23.47.007 or 23.50.015 shall expire as follows:

26 i. for the first phase, twenty-four (24) months from the date  
27 the permit is approved for issuance, except as provided in subsection B;

28 ii. for subsequent phases, expiration shall be determined at  
29 the time of permit issuance.

30  
31 2. At the end of the eighteen (18) month term, ~~((m))~~Master ~~((u))~~Use  
32 ~~((p))~~Permits shall expire unless:

33 a. A building permit is issued before the end of the eighteen (18)  
34 month term, or a completed application for a building permit meeting the requirements of  
35 Section 302 of the Seattle Building Code which is subsequently issued is submitted at least  
36 sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master  
37 Use Permit shall be extended for the same term as the building permit is issued. For  
38 highrise structures regulated under Section 1807 or 1907 of the Seattle Building Code, the  
39 building permit application may be a partial one, provided that it includes the complete

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1 structural frame of the building, and schematic plans for the exterior shell of the building. If  
2 a building permit is issued and renewed within the original eighteen (18) month term of a  
3 Master Use Permit, the Master Use Permit shall be extended in the same manner; or

4 b. For projects which do not require a building permit, the use has  
5 been established prior to the expiration date of the Master Use Permit and is not terminated  
6 by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

7 c. The Master Use Permit is extended pursuant to subsection A3; or

8 d. The Master Use Permit is renewed as provided in subsection  
9 B((-)); or

10 e. A Major Phased Development component is part of the Master  
11 Use Permit, in which case subsection A1f shall apply.

12  
13 3. When a building permit is issued and construction is substantially  
14 underway and progressing at a satisfactory rate, as evidenced by the applicant's  
15 demonstrating to the Director's satisfaction that a construction step is ready for an  
16 inspection required by Section 305(e) of the Seattle Building Code Supplement prior to the  
17 expiration of a Master Use Permit, the Master Use Permit shall be automatically extended  
18 for the life of the building permit and no Master Use Permit renewal shall be required.

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20 B. Renewal.

21 1. The Director shall renew Master Use Permits for projects which are in  
22 conformance with applicable regulations, including land use and environmentally critical  
23 areas regulations, and SEPA policies in effect at the time renewal is sought. The Director  
24 shall not renew Master Use Permits for projects which are not in conformance with  
25 applicable regulations, including land use and environmentally critical areas regulations, or  
26 SEPA policies in effect at the time renewal is sought, except for second and subsequent  
27 phases of an approved Master Use Permit with a Major Phased Development component  
28 for which this subsection B does not apply.

29 2. If a building permit has been issued for a project, any subsequent Master  
30 Use Permit renewals as permitted by this ((s))Section shall be concurrent with and for the  
31 same term as renewal of the building permit.

32 3. If no building permit has been issued, Master Use Permit renewal shall be  
33 for a period of one (1) year. ~~((In no case shall a))~~ A Master Use Permit shall not be  
34 renewed beyond a period of five (5) years from the original date of permit issuance without  
35 an issued building permit((-)), except for second and subsequent phases of a Master Use  
36 Permit with a Major Phased Development (MPD) component, for which this subsection B  
37 does not apply; the permit deadlines for these MPD projects shall be governed by the MPD  
38 decision.

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ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to land use and zoning, amending Sections 23.76.004, 23.76.006, 23.76.026, 23.76.032 and 23.84.025, and creating new Sections 23.47.007 and 23.50.015 in order to create a new phasing process for very large projects called Major Phased Developments

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** A new Section 23.47.007 is hereby added to Chapter 23.47 of the Seattle Municipal Code as follows:

**23.47.007 Major Phased Developments**

A. A Major Phased Development, as defined in Section 23.84.025 and subject to the provisions of the zone in which it is located, shall meet the following thresholds:

1. A minimum site size of five (5) acres, where a "site" is comprised of contiguous parcels, or, if separated by a right-of-way, then parcels under common ownership;

2. The project contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet.

3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail which is sufficient to reasonably assess anticipated impacts, including those associated with a maximum buildout, within the timeframe requested for Master Use Permit extension.

2. A major phased development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit.

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than fifteen (15) years from the date of issuance.

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1 C. Changes to the approved Major Phased Development.

2 When an amendment to an approved project is requested, the Director shall  
3 determine whether the amendment is minor or not.

4 1. A minor amendment meets the following criteria:

5 a. The proposed amendment complies with the conditions  
6 imposed in the previous Master Use Permit with the Major Phased  
7 Development component, and with the provisions of the underlying zone;

8 b. The amended project substantially complies with the  
9 approved site plan with no major change in the mix of uses.

10 c. The proposed amendment would not have a  
11 significantly greater environmental impact than the approved project; and

12 d. The site boundaries of the originally approved project  
13 have not changed.

14 2. If the amendment is determined by the Director to be minor,  
15 the site plan may be revised and approved as a Type 1 MUP.

16 3. If the Director determines that the amendment is not minor,  
17 the applicant may either continue under the originally approved MPD permit,  
18 or may submit a new MPD application.

19  
20 Section 2. A new Section 23.50.015 is hereby added to Chapter  
21 23.50 of the Seattle Municipal Code as follows:

22 **23.50.015 Major Phased Development**

23 A. A Major Phased Development, as defined in Section 23.84.025 and  
24 subject to the provisions of the zone in which it is located, shall meet the  
25 following thresholds:

26 1. A minimum site size of five (5) acres, where a "site" is  
27 comprised of contiguous parcels, or, if separated by a right-of-way, then  
28 parcels under common ownership;

29 2. More than one building, with a minimum total gross floor  
30 area of two hundred thousand (200,000) square feet;

31 3. The first phase of the development consists of at least one  
32 hundred thousand (100,000) square feet in gross building floor area.

33 B. A Major Phased Development application shall contain be  
34 submitted, evaluated, and approved according to the following:

35 1. The application shall contain a level of detail which is  
36 sufficient to reasonably assess anticipated impacts, including those  
37 associated with a maximum buildout, within the timeframe requested for  
38 Master Use Permit extension.

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4 impacts, such as traffic, open space, shadows, construction impacts and air  
5 quality, are not significant or can be effectively monitored and conditions  
imposed to mitigate impacts over the extended life of the permit.

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7 3. Expiration or renewal of a permit for the first phase of a  
8 Major Phased Development is subject to the provisions of Chapter 23.76,  
9 Master Use Permits and Council Land Use Decisions. The Director shall  
10 determine the expiration date of a permit for subsequent phases of the Major  
11 Phased Development through the analysis provided for above; such  
expiration shall be no later than fifteen (15) years from the date of issuance.

12 C. Changes to the approved Major Phased Development.

13 When an amendment to an approved project is requested, the Director shall  
14 determine whether the amendment is minor or not.

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16 a. The proposed amendment complies with the conditions  
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18 Development component, and with the provisions of the underlying zone;

19 b. The amended project substantially complies with the  
20 approved site plan with no major change in the mix of uses.

21 c. The proposed amendment would not have a  
22 significantly greater environmental impact than the approved project; and

23 d. The site boundaries of the originally approved project  
24 have not changed.

25 2. If the amendment is determined by the Director to be minor,  
26 the site plan may be revised and approved as a Type I MUP.

27 3. If the Director determines that the amendment is not minor,  
28 the applicant may either continue under the originally approved MPD permit,  
29 or may submit a new MPD application.

30  
31  
32 **Section 3.** Subsection 23.76.004A, Exhibit 23.76.004A titled "Land  
33 Use Decision Framework" as last amended by Ordinance 117263, is further  
34 amended as follows:

35 (See page 3A)  
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Exhibit 23.76.004A  
LAND USE DECISION FRAMEWORK  
DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

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| <b>TYPE I</b><br>(Nonappealable) <ul style="list-style-type: none"><li>• Uses permitted outright</li><li>• Temporary uses, four weeks or less</li><li>• Certain street uses</li><li>• Lot boundary adjustments</li><li>• Greenbelt preserve designations</li><li>• Modifications of features bonused under Title 24</li><li>• Declarations of significance (EIS required)</li><li>• Temporary uses, twelve months or less, for relocation of police and fire protection</li><li>• Exemptions from right-of-way improvement requirements</li><li>• Special accommodation</li><li>• Reasonable accommodation</li><li>• <u>Minor amendment to a Major Phased Development Permit</u></li></ul> | <b>TYPE II</b><br>(Appealable to Hearing Examiner*) <ul style="list-style-type: none"><li>• Temporary uses, more than four weeks</li><li>• Certain street uses</li><li>• Variances</li><li>• Administrative conditional uses</li><li>• Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)</li><li>• Short subdivisions</li><li>• Special exceptions</li><li>• Design Review</li><li>• Northgate General Development Plan</li><li>• The following environmental determinations:<ul style="list-style-type: none"><li>1. Declaration of nonsignificance (EIS not required)</li><li>2. Determination of final EIS adequacy</li></ul></li><li>• <u>Major Phased Development</u></li></ul> | <b>TYPE III</b><br>(Appealable to Council) <ul style="list-style-type: none"><li>• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.</li></ul> |
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COUNCIL LAND USE DECISIONS

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| <b>TYPE IV</b><br>(Quasi-Judicial) <ul style="list-style-type: none"><li>• Subdivisions (Preliminary Plats)</li><li>• Land use and zoning map amendments (Rezones)</li><li>• Public project approvals</li><li>• Major institution master plans</li><li>• Council conditional uses</li><li>• Downtown planned community developments</li><li>• Planned Unit Developments</li></ul> | <b>TYPE V</b><br>(Legislative) <ul style="list-style-type: none"><li>• Land Use and Zoning Code text amendments</li><li>• Rezones to implement new City policies</li><li>• Concept approval for City facilities</li><li>• Major institution designations</li></ul> |
|---|--|

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1       **Section 4.** Subsection C of Section 23.76.006 of the Seattle  
2 Municipal Code, as last amended by Ordinance 117263, is further amended  
3 as follows:

4  
5       **23.76.006 Master Use Permits required.**

6       C. The following are Type II decisions, which are subject to appeal  
7 to the Hearing Examiner (except shoreline decisions and related  
8 environmental determinations which are appealable to the Shorelines Hearing  
9 Board):

10           1. Establishment or change of use for temporary uses more  
11 than four weeks not otherwise permitted in the zone or not meeting  
12 development standards, ~~((and))~~ except temporary relocation of police and  
13 fire stations for twelve (12) months or less;

14           2. Short subdivisions;

15           3. Variances, provided that variances sought as part of a Type  
16 IV decision may be granted by Council pursuant to Section 23.76.036;

17           4. Special exceptions, provided that special exceptions sought  
18 as part of a Type IV decision may be granted by the Council pursuant to  
19 Section 23.76.036;

20           5. Design review;

21           6. The following street use decisions:

22               a. Sidewalk cafes,

23               b. Structural building overhangs,

24               c. Areaways;

25           7. Administrative conditional uses, provided administrative  
26 conditional uses sought as part of a Type IV decision may be approved by  
27 the Council pursuant to Section 23.76.036;

28           8. The following shoreline decisions (supplemental procedures  
29 for shoreline decisions are established in Chapter 23.60):

30               a. Shoreline substantial development permits,

31               b. Shoreline variances,

32               c. Shoreline conditional uses;

33           9. The following environmental decisions for Master Use  
34 Permits and for building, demolition, grading and other construction permits  
35 (supplemental procedures for environmental review are established in SME  
36 Chapter 25.05, SEPA Policies and Procedures):

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1 a. Declarations of Nonsignificance (DNSs), including  
2 mitigated DNSs,

3 b. Determination that a final Environmental Impact  
4 Statement (EIS) is adequate;

5 10. Northgate General Development Plan((-));

6 11. Major Phased Developments.

7  
8 Section 5. Section 23.76.026 of the Seattle Municipal Code, as last  
9 amended by Ordinance 115751, is further amended as follows:

10  
11 **23.76.026 Vesting of development rights.**

12 A. Master Use Permit Components Other Than Subdivisions, ~~((and))~~  
13 Short Subdivisions or Major Phased Developments.

14 Applications for all Master Use Permits, ~~((components))~~ except those with  
15 subdivision((s)), short subdivision((s)) or Major Phased Development  
16 components, shall be considered under the Land Use Code and other land  
17 use control ordinances in effect on the date a fully complete building permit  
18 application, meeting the requirements of Section 302 of the Seattle Building  
19 Code, is filed. Until a complete building permit application is filed, such  
20 Master Use Permit applications shall be reviewed subject to any zoning or  
21 other land use control ordinances that become effective prior to the date  
22 that notice of the Director's decision on the application is published, if the  
23 decision can be appealed to the Hearing Examiner, or prior to the date of  
24 the Director's decision if no Hearing Examiner appeal is available.

25 B. Application for Phased Permits.

26 1. An application for a building permit submitted for part of a  
27 building or structure shall be considered a complete building permit  
28 application for the purpose of this ~~((s))~~Section only if the partial building  
29 permit application is for a highrise structure regulated under Section 1807  
30 or 1907 of the Seattle Building Code, and it includes the complete structural  
31 frame of the building or structure and schematic plans for the exterior shell  
32 of the building.

33 2. Application for a Master Use Permit which includes a Major  
34 Phased Development component (See Section 23.47.007 or Section  
35 23.50.015), shall be considered under the Land Use Code and other land use  
36 control ordinances in effect on the date when a fully complete Master Use  
37 Permit application for such approval is submitted to the Director.

38 C. ~~((B))~~ Subdivision and Short Subdivision Components of Master  
39 Use Permits. An application for approval of a subdivision or short  
40 subdivision of land, as defined in Section 23.84.036"S," shall be considered  
41 under the ~~((t))~~Land ~~((u))~~Use ~~((c))~~Code and other land use control  
42 ordinances in effect on the land when a fully complete~~((d))~~ Master Use

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1 Permit application for such approval which satisfied the requirements of  
2 Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short  
3 subdivision) is submitted to the Director.

4  
5 **Section 6.** Section 23.76.032 of the Seattle Municipal Code, as last  
6 amended by Ordinance 117203, is further amended as follows:

7 **23.76.032 Expiration and renewal of Master Use Permits.**

8 **A. Expiration.**

9 1. A Master Use Permit shall expire eighteen (18) months from  
10 the date a permit is approved for issuance as described in Section 23.76.028,  
11 except as follows:

12 a. Expiration of the shoreline component of a Master  
13 Use Permit shall be governed by WAC 173-14-060.

14 b. Expiration of a variance component of a Master Use  
15 Permit shall be governed by the following:

16 i. Variances for access, yards, setbacks, open  
17 space, or lot area minimums granted as part of short plat or lot boundary  
18 adjustment shall run with the land in perpetuity as recorded with the  
19 Director of the King County Department of Records and Election.

20 ii. Variances granted as separate Master Use  
21 ((p))Permits pursuant to Section 23.76.010 D shall expire eighteen (18)  
22 months from the date the permit is approved for issuance as described in  
23 Section 23.76.028 or on the effective date of any text amendment making  
24 more stringent the development standard from which the variance is granted,  
25 whichever is sooner. If a Master Use Permit to establish the use is granted  
26 within this period, the variance's expiration date shall be extended until the  
27 expiration date established for the use approval.

28 c. The time during which pendency of litigation related  
29 to the Master Use Permit made it reasonable not to submit an application for  
30 a building permit, or to establish a use where a building permit is not  
31 required, shall not be included in the eighteen (18) month term of the Master  
32 Use Permit.

33 d. Master ((u))Use ((p))Permits entered in the  
34 competition for office space downtown established under Section 23.49.011  
35 shall expire as follows:

36 i. Eighteen (18) months from the date that the  
37 project is chosen to receive an office space allocation; or

38 ii. If the project is not chosen to receive an office  
39 space allocation in the first year that it is entered in the competition, it shall  
40 expire either:

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--On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

--If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

--On the date that it is not chosen to receive an office allocation in the next competition; or

--Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

iii. Master ((u))Use ((p))Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025B.

f. Master Use Permits with a Major Phased Development component established under Sections 23.47.007 or 23.50.015 shall expire as follows:

i. for the first phase, eighteen (18) months from the date the permit is approved for issuance, except as provided in subsection B;

ii. for subsequent phases, expiration shall be determined at the time of permit issuance.

2. At the end of the eighteen (18) month term, ((m))Master ((u))Use ((p))Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit meeting the requirements of Section 302 of the Seattle Building Code which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 1807 or 1907 of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

b. For projects which do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

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1 c. The Master Use Permit is extended pursuant to  
2 subsection A3; or

3 d. The Master Use Permit is renewed as provided in  
4 subsection B((-)); or

5 e. A Major Phased Development component is part of the  
6 Master Use Permit, in which case subsection A1e(ii) shall apply.

7 3. When a building permit is issued and construction is  
8 substantially underway and progressing at a satisfactory rate, as evidenced  
9 by the applicant's demonstrating to the Director's satisfaction that a  
10 construction step is ready for an inspection required by Section 305(e) of  
11 the Seattle Building Code Supplement prior to the expiration of a Master  
12 Use Permit, the Master Use Permit shall be automatically extended for the  
13 life of the building permit and no Master Use Permit renewal shall be  
14 required.

15  
16 B. Renewal.

17 1. The Director shall renew Master Use Permits for projects  
18 which are in conformance with applicable regulations, including land use and  
19 environmentally critical areas regulations, and SEPA policies in effect at the  
20 time renewal is sought. The Director shall not renew Master Use Permits  
21 for projects which are not in conformance with applicable regulations,  
22 including land use and environmentally critical areas regulations, or SEPA  
23 policies in effect at the time renewal is sought, except for second and  
24 subsequent phases of an approved Master Use Permit with a Major Phased  
25 Development component which shall be subject to subsection B3.

26 2. If a building permit has been issued for a project, any  
27 subsequent Master Use Permit renewals as permitted by this ((s))Section  
28 shall be concurrent with and for the same term as renewal of the building  
29 permit.

30 3. If no building permit has been issued, Master Use Permit  
31 renewal shall be for a period of one (1) year. ~~(In no case shall a)~~ A  
32 Master Use Permit shall not be renewed beyond a period of five (5) years  
33 from the original date of permit issuance without an issued building  
34 permit((-)), except for second and subsequent phases of a Master Use Permit  
35 with a Major Phased Development component, for which renewal is not  
36 applicable.

37  
38 Section 7. Section 23.84.025 of the Seattle Municipal Code, as last  
39 amended by Ordinance 115002, is further amended by adding a new  
40 subsection "Major Phased Development", to be inserted alphabetically as  
41 follows:  
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23184.025 "M."

"Major Phased Development" means a multiple building project which, by the nature of its size or function, is complex enough to require construction phasing over an extended period of time, excluding Major Institutions.

Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of 1995. and signed by me  
in open session in authentication of its passage this \_\_\_\_\_ day of  
\_\_\_\_\_, 1995.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1995

\_\_\_\_\_  
Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1995

\_\_\_\_\_  
City Clerk

(Seal)

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STATE OF WASHINGTON - KING COUNTY

55385  
City of Seattle, City Clerk

—SS.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT/PN:ORD#117598

was published on

05/09/95

The amount of the fee charged for the foregoing publication is the sum of \$

which amount has been paid in full.

Subscribed and sworn to before me on

05/09/95

Notary Public for the State of Washington,  
residing in Seattle

Affidavit of Publication

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